IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 9117 OF 2005

Between:

Tenneru Venkateswara Rao, s/o Viswanatham, Aged 50 years, r/o Annadevarapeta Village, Tallapudi Mandal, West Godavari District.

..... PETITIONER

AND

1. The Assistant Commissioner of Endowments Department,

Eluru, West Godavari District.
2. The Inspector of Endowments Department, Tadepalligudem, West

Godavari District.
3. Konda Venkateswara Rao, s/o Ramanna, Aged 60 years
   r/o Annadevarapeta Village, Tallapudi Mandal, West Godavari

District.
4. Gandi Kondala Rao, s/o Mutyalu, Aged 45 years,
   r/o Annadevarapeta Village, Tallapudi Mandal, West Godavari

District.
5. Injarapu Murali Krishna, s/o Somaraju, Aged 35 years,
   r/o Annadevarapeta Village, Tallapudi Mandal, West Godavari

District.

6. Ramana Satyanarayana, s/o Venkanna, Aged 48 years,
   r/o Annadevarapeta Village, Tallapudi Mandal, West Godavari

District.

7 Smt.Cheppula Durga, w/o Nageswara Rao, Aged 32 years,
   r/o Annadevarapeta Village, Tallapudi Mandal, West Godavari

District.

.....RESPONDENT(S)

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more in the nature of writ of mandamus, directing the 1st respondent to recognise the petitioner as a member of the founder family and appoint him as one of the Trustee of Bangaru Papamma Temple, situated in Annadevarapeta Village, Tallapudi Mandal, West Godavari District, by declaring the action of the 1st respondent in issuing the proceedings D.Dis.No.A4/4158/05, Adm. dt.12-4-2005 as well as the proceedings Rc.No.A4/1212/2005, dt.12-4-2005 appointing the respondents 3, 4 and 7 as Trustees in respect of the above temple is arbitrary, illegal and contrary to law, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.V.S.N.SARMA

Counsel for the Respondent 1 & 2: GP FOR ENDOWMENTS

The Court at the stage of admission made the following :

ORDER:

It is averred that Sri Bangaru Papamma Temple was constructed by Venkagiri Jamindar with the help and cooperation of petitioner's father. While on attaining old age, the Jamindar entrusted the affairs of the management of the temple to his father, more than 60 years ago and his father renovated the temple with his own monies. His father also died in the year 1996 and himself and his family members are looking after the affairs of the temple. On 4.2.2005, he filed an application before the first respondent to recognize him as a member of the founder family and the second respondent submitted a report.

The first respondent issued notices to him and others to attend his office on 8.4.2005 for enquiry and vide impugned proceedings rejected the case of the petitioner and appointed respondents 3 to 7 as the trustees.

Evidently, against the orders passed by Assistant Commissioner of Endowments, there is alternative remedy available to the petitioner. But the petitioner straight away approached this court invoking extraordinary jurisdiction under Art. 226 of the Constitution of India. Therefore, the writ petition cannot be entertained and is accordingly dismissed on the ground of availability of efficacious alternative remedy. No order as to costs. This order, does not, however, preclude the petitioners from approaching the Competent Authority for redressal of his grievance, if so advised.

Elipe Dharma Rao, J.

April 21, 2005

MAS.

To

1. The Assistant Commissioner of Endowments Department,

Eluru, West Godavari District.

2. The Inspector of Endowments Department, Tadepalligudem, West

Godavari District.

3. G.P. for Endowments, A.P.High Court Buildings, Hyderabad.

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